

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
Pepper Villa Drive; TM 5517, 3900 08-001, ER 06-14-045

January 13, 2010

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
☐

NO  
☐

NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project is located within the boundaries of the Multiple Species Conservation Program and conforms to the required findings, as the entire project site is urban developed. No impacts will occur to any sensitive habitat or species. See attached MSCP Findings for further information.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The project will obtain its water supply from the Helix Water District, which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

|  |  |                                |   |
|--|--|--------------------------------|---|
| The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?        | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | NOT APPLICABLE/EXEMPT<br><input type="checkbox"/> |
| The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?            | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | NOT APPLICABLE/EXEMPT<br><input type="checkbox"/> |
| The Steep Slope section (Article IV, Section 5)?   | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | NOT APPLICABLE/EXEMPT<br><input type="checkbox"/> |
| The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?                    | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | NOT APPLICABLE/EXEMPT<br><input type="checkbox"/> |
| The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance? | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | NOT APPLICABLE/EXEMPT<br><input type="checkbox"/> |

## Discussion:

**Wetland and Wetland Buffers:** The site contains no wetland habitats as defined by the RPO. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

**Floodways and Floodplain Fringe:** The project is not located near any floodway or floodplain fringe area as defined by the RPO, nor is it near a watercourse plotted on any official County floodway or floodplain map. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

**Steep Slopes:** The site contains no steep slopes as defined by RPO. The site does not contain land with a natural gradient of 25 percent or greater and a minimum rise of 50 feet. Therefore, it has been found that the proposed project complies with Section 86.604(e) of the RPO.

**Sensitive Habitats:** Based on a site visit by Beth Ehsan on August 1, 2007, the project site does not support sensitive habitat lands as defined by RPO. The site does not contain rare, endangered, or substantially depleted species of vegetation or animals, nor does the site constitute critical area to the ecological viability of any such species. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

**Significant Prehistoric and Historic Sites:** The property has been surveyed by a County of San Diego certified archaeologist/historian, Brian F. Smith and Larry Pierson

of Brian F. Smith and Associates and it has been determined that the property does not contain any archaeological/ historical sites. A 1950s era residence and four related buildings were identified within the project area. A historical assessment was conducted by Larry Pierson which determined that the house is not considered historically significant. In addition, the project must comply with the San Diego County Grading, Clearing, and Watercourse Ordinance (§87.101-87.804), CEQA §15064.5(d), and §7050.5 of the Health & Safety Code. Section 87.429 of the Grading, Clearance, and Watercourse Ordinance requires the suspension of grading operations when human remains or Native American artifacts are encountered.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES  
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NO  
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NOT APPLICABLE  
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Discussion:

The project Storm Water Management Plan has been reviewed and is found to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES  
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NO  
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NOT APPLICABLE  
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Discussion:

Even though the proposal could generate potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following noise mitigation measures are proposed to reduce the noise impacts to applicable limits:

The project consists of an 11 lot subdivision for residential use. The project site is located in the Lakeside Community Planning Area. Primary noise sources to impact the project subdivision will be from future traffic traveling on Pepper Drive, which is projected to experience average daily trips (ADT) of 13,000 in 2030. Ground level noise receptors have been modeled in association with the project subdivision. Based on the noise report, ground level receptors located on Lots 4, 5, and 11 will experience noise levels exceeding the 60 dBA Community Noise Equivalent Level (CNEL) noise threshold pursuant to the County Noise Element, 4b. Future traffic noise impacts are projected to be as high as 66.6 dBA CNEL on Lots 4 and 5. Free standing six foot (6') high sound barriers are required for these lots to achieve exterior noise levels of 60 dBA CNEL and below. The six foot high sound barriers will be L-shaped along the pad edge facing Pepper Drive with return extending along the eastern and/or western pad edge respectively. Please refer to Figure 7, 8, and 9 of the noise report prepared by Eilar Associates dated September 22, 2009 for sound barrier locations. Incorporation of the

sound walls will reduce noise levels to below the 60 dBA CNEL sound level requirement on Lots 4, 5 and 11. The future traffic 60 dBA CNEL contours have also been identified with Lots 4, 5, and 11 falling within this threshold. Future residential building structures are required to demonstrate interior noise levels of 45 dBA specifically for residential uses. An interior noise evaluation will be required at the time building plans are available. To ensure interior noise levels meet the interior noise levels of 45 dBA, the project subdivision will include a Noise Protection Easement on Lots 4, 5, and 11.

Construction noise generated from the project subdivision will consists of typical construction activities consisting of a dozer, water truck, backhoe, concrete mixer/pump and crane. The project does not propose the use of impulsive construction equipment. No drilling and on site processing is proposed. Construction noise sources are modeled at the centroid of the project site which is an acceptable practice and a representative method in evaluating construction noise. Construction noise levels are projected to be as high as 72.7 at the project property line which complies with the 75 dBA property line sound level requirement pursuant to the County Noise Ordinance-Construction Equipment section. Therefore, incorporation of six (6) foot high sound barriers on Lots 4, 5, and 11 and the dedication of a Noise Protection Easement will ensure the project will comply with County Noise Standards.